

FIRST REGULAR SESSION

# HOUSE BILL NO. 317

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KENNEDY, BARRY, BURCHAM,  
BAKER (Co-sponsors) AND SELBY.

Read 1<sup>st</sup> time January 10, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0636L.02I

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### AN ACT

To repeal section 167.181, RSMo 2000, relating to the department of health, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.181, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 167.181, to read as follows:

167.181. 1. The department of health, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the immunizations that are required of children in this subsection. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health shall supervise and secure the enforcement of the required immunization program. **In accordance with section 210.003, RSMo, the department of health shall promulgate rules requiring immunization for hepatitis A for children attending day care centers, preschools or nursery schools. The department of health shall promulgate rules requiring immunization against hepatitis A for children attending public, private, parochial or parish schools beginning with the 2003-2004 school year and every year thereafter. The department of health shall inform the public of all exemptions available whenever immunization schedules are available.**

2. It is unlawful for any student to attend school unless he **or she** has been immunized

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 as required [under] **pursuant to** the rules and regulations of the department of health, and can  
18 provide satisfactory evidence of such immunization; except that if he **or she** produces  
19 satisfactory evidence of having begun the process of immunization, he **or she** may continue to  
20 attend school as long as the immunization process is being accomplished in the prescribed  
21 manner. It is unlawful for any parent or guardian to refuse or neglect to have his **or her** child  
22 immunized as required by this section, unless the child is properly exempted.

23         3. This section shall not apply to any child if one parent or guardian objects in writing  
24 to his **or her** school administrator against the immunization of the child, because of religious  
25 beliefs or medical contraindications. In cases where any such objection is for reasons of medical  
26 contraindications, a statement from a duly licensed physician must also be provided to the school  
27 administrator.

28         4. Each school superintendent, whether of a public, private, parochial or parish school,  
29 shall cause to be prepared a record showing the immunization status of every child enrolled in  
30 or attending a school under his **or her** jurisdiction. The name of any parent or guardian who  
31 neglects or refuses to permit a nonexempted child to be immunized against diseases as required  
32 by the rules and regulations promulgated pursuant to the provisions of this section shall be  
33 reported by the school superintendent to the department of health.

34         5. The immunization required may be done by any duly licensed physician or by  
35 someone under his **or her** direction. If the parent or guardian is unable to pay, the child shall be  
36 immunized at public expense by a physician or nurse at or from the county, district, city public  
37 health center or a school nurse or by a nurse or physician in the private office or clinic of the  
38 child's personal physician with the costs of immunization paid through the state Medicaid  
39 program, private insurance or in a manner to be determined by the department of health subject  
40 to state and federal appropriations, and after consultation with the school superintendent and the  
41 advisory committee established in section 192.630, RSMo.

42         6. Funds for the administration of this section and for the purchase of vaccines for  
43 children of families unable to afford them shall be appropriated to the department of health from  
44 general revenue or from federal funds if available.

45         7. No rule or portion of a rule promulgated [under] **pursuant to** the authority of this  
46 section shall become effective unless it has been promulgated pursuant to the provisions of  
47 [section 536.024] **chapter 536**, RSMo.